IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

RP.No. 654 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN COC.824/2007 Dated 25/06/2007

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PETITIONER/PETITIONER IN WP(C):

G. APPUKUTTAN, AGED 55 YEARS,
RESIDING AT RTNAVILASAM, CHAVADI NADA,
VENGANOOR P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.T.RAJASEKHARAN NAIR

RESPONDENTS: 2ND AND 3RD RESPONDENT IN WP(C):

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1. MR. RAVEENDRAN (AGE AND FATHER'S NAME
NOT KNOWN TO THE PETITIONER), THE DIRECTOR,
SURVEY & LAND RECORDS, THIRUVANANTHAPURAM.

2. MR. S.ASOKAN,
SUPERINTENDENT OF SURVEY AND LAND RECORDS,
PULIMOODU, THIRUVANANTHAPURAM.

BY ADV. SRI. SHYSON P. MANGUZHA, GOVT. PLEADER.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

R.P. No. 654 OF 2007

Dated this the 17th day of July, 2007

JUDGMENT

Heard Sri.T. Rajasekharan Nair, learned counsel for the petitioner and Sri.Shyson P.Manguzha, learned Government Pleader. The petitioner seeks review of my judgment in Contempt Case closing the Contempt Case accepting the submission of the Government Pleader that the directions in Annexure A 1 judgment have been complied with. Mr.Rajasekharan Nair submits that the directions in Annexure A judgment have not been complied with but virtually they have been flouted. Counsel also pointed out that the respondent's attempt for a review of Annexure A judgment was unsuccessful. No appeal has so far been preferred against Annexure A and in that way Annexure A has attained finality.

2. The learned Government Pleader would invite my attention to the orders dt.19.06.07 passed by the respondent determining the pensionary benefits due to the petitioner. He also placed before me a copy of letter No.F3-12163/05 dt.19.06.07 forwarded by the respondent to the Accountant General requesting that the claim as allowed, be admitted in audit. According to the Government Pleader, it cannot be said that the directions in Annexure A have been willfully disobeyed.

Even though I do notice some merit in the submission of the learned counsel for the petitioner that the amounts seen admitted are inadequate in view of Annexure A, I am not prepared to say that the respondent is guilty of having willfully disobeyed the directions in Annexure A. The remedy of the petitioner is to challenge the orders of the respondent in appropriate separate proceedings. The Government Pleader is directed to serve the petitioner with copies of the papers handed over to me. The petitioner will treat those copies as copy served on him and if aggrieved will initiate appropriate proceedings against the orders of the respondent. Subject to the above observations the Review Petition is dismissed.

PIUS C. KURIAKOSE, JUDGE

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